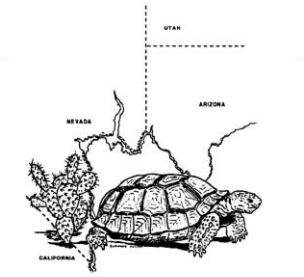

DESERT TORTOISE COUNCIL
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8 August 2012

To: Desert Renewable Energy Conservation Plan (DRECP) planners
From: Desert Tortoise Council

RE: Proposed alternatives affecting important desert tortoise habitats

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

Although the Council does not serve as one of the official stakeholders in the DRECP process, I and board member Sid Silliman have regularly attended DRECP public meetings held in southern California, particularly in the Ontario area. The Council's concerns are presented relative to the five proposed alternatives recently presented to the public.

Although one or more of our board members are usually involved in public meetings, the Council has remained relatively quiet over the past few months of the DRECP process. We now feel compelled to comment, seeing that most of the alternatives would facilitate and focus impacts on essential desert tortoise habitats in an egregious and unacceptable manner. We understand that the plan will be designed to accommodate renewable energy, but we also expect that if designed and implemented appropriately, the plan will not leave imperiled species in even more precarious positions than development of renewable energy without the DRECP.

In other words, to meet the fully mitigate standards of both the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), we understand that mitigation under the DRECP must be concomitant with the level of impact. With these alternatives, it now appears that DRECP is directing and facilitating new impacts to threatened and imperiled species beyond that which the plan can effectively mitigate. If the alternatives are implemented as currently presented, the Council would argue that you have not met either USFWS' or CDFG's mitigation standards. In fact, you are creating impact scenarios that do not currently exist, as discussed below.

We are particularly concerned that important habitats within the Desert Tortoise Research Natural Area (DTRNA) *appear* to be included in four of the five alternatives being considered. Given the poor resolution of the maps, it is not absolutely clear how the alternatives relate to the DTRNA, but they appear to include most or all of it. We request that future maps show the boundaries of the DTRNA so that we and our membership can more accurately see the relationship between DRECP's proposed alternatives and this important conservation area.

As presented in available maps, only Alternative 4, which emphasizes renewable energy in the southeastern portion of the planning area, would not directly or indirectly affect the DTRNA. At the given resolution, it appears that the blue Development Focus Areas (DFAs) in Alternatives 1, 2, 3, and 5 *all* directly or indirectly affect the DTRNA. Upon closer examination using shape files that are included in Attachment 1, we see that Alternatives 3 and 5 would directly impact 80-to-90% of the DTRNA and Alternatives 1 and 2 would impact contiguous areas west and southwest of the DTRNA, likely resulting in adverse indirect impacts. Since Alternatives 1 and 2 could result in development of areas to the west that are upwind of DTRNA, we expect that windblown dust, introduction of exotic native plants, subsidies of tortoise predators (particularly ravens), and other indirect impacts are likely to affect tortoises within the DTRNA.

The DTRNA has been specifically managed for tortoises since the mid 1970's. It is an Area of Critical Environmental Concern, managed by the Bureau of Land Management (BLM) in cooperation with the Desert Tortoise Preserve Committee (DTPC) specifically for conservation and recovery of Agassiz's desert tortoise. DTPC has focused its acquisition of important mitigation lands both within the fenced portion of DTRNA and in adjacent areas, particularly to the east. Hundreds of thousands of public and private dollars have been spent to fence the DTRNA, census populations, perform tortoise research, and manage it for tortoise conservation since the 1970's.

As one of two BLM wildlife biologists assigned to draft the West Mojave Plan, I planned and implemented programmatic tortoise surveys over more than 4,000 square miles of the West Mojave between 1998 and 2000. Approximately 350 square miles were surveyed between Highway 395 to the east, Highway 58 to the south, Highway 14 to the west, and Mojave-Randsburg Road to the north in which the DTRNA is located. Within this area, biologists found 14 subadult tortoises, which is indicative of recruitment. Importantly, within this 350 square-mile area, *all 14 subadult tortoises were found at the DTRNA*; 13 subadults *inside* the fenced portions of the DTRNA and the 14th animal one-half mile to the west.

Having performed some of these surveys within fenced portions of the DTRNA, I remember seeing these small, subadult tortoises walking among the chalky tortoise carcasses remaining in the area from the region-wide die-off that occurred in the mid- to late-1980's. I believe these data to be the best (and perhaps only) evidence of concentrated tortoise recruitment in the entire West Mojave. It would constitute a significant impact under the California Environmental Quality Act (CEQA) and an unacceptable impact to the Council to develop DFAs that directly or indirectly impact perhaps the only expanding population of tortoises in the entire West Mojave at the DTRNA.

Alternatives 3 and 5, in particular, and Alternatives 1 and 2, less so, would concentrate renewable energy development on the population segment of tortoises occurring in the West Mojave area, which is, arguably, already the most imperiled tortoise population segment within the DRECP planning area. Even if the DTRNA were not directly affected, which it would be by four of the five alternatives, concentrating renewable energy in the West Mojave significantly adds to the cumulative impacts of expanding military bases (both by the Army at Fort Irwin and by the Marines at Twentynine Palms), existing BLM vehicle open areas, cattle and sheep grazing allotments, and the proximity to expanding urban areas of the Antelope Valley, Victor Valley, Barstow, and Morongo Basin (Yucca Valley to Twentynine Palms as per Alternatives 3 and 5).

The Council would not be so concerned if development were proposed on existing agriculture west of Highway 14, urbanizing areas elsewhere in the Antelope Valley and Victor Valley, on roof tops within urban and suburban areas, and other compromised habitats, but situating DFAs on or immediately adjacent to the DTRNA in occupied habitats **represents a serious new threat that would not exist "but for" the DRECP**.

I was able to attend the DRECP working group of transmission specialists on 6 August 2012, and appreciate that I was not asked to leave, seeing I was perhaps the only non-industry person in the room. One of the facilitators was kind enough to give me copies of maps provided to the participants by Southern California Edison that depict the five alternatives, particularly as they relate to proposed transmission corridors. As given in one of the bullets below, the maps would be much more useful if they identified those transmission corridors that already exist, transmission lines that are already developed, and those that are designated by the BLM in the California Desert Conservation Area (CDCA) Plan or one of its amendments but not currently developed. As presented, we cannot tell if these corridors already exist or are newly proposed.

We are particularly concerned that *all five alternatives* show the following transmission corridors. These are shown as red-dashed lines in various maps included in the 25 July 2012 overview, but, again, it is not clear if they already exist, or if the corridors are currently designated.

(1) Two corridors running northeast from Kramer Junction to China Lake NAWS. We are certain that neither of these corridors has been developed (i.e., there are no existing transmission towers), and don't believe that these are designated by the BLM in the CDCA Plan. Are these intended to transmit new energy from (or to) facilities that have not been developed? We note that none of the five alternatives proposes a DFA at the end (or beginning?) of these dead-end corridors.

(2) *All five alternatives* show a transmission corridor running through the northwestern corner of the Ord-Rodman Desert Wildlife Management Area (DWMA). Is this already developed? Is this an existing BLM-designated transmission corridor? Why can't an alternative be identified where the corridor follows Interstate 40 and Highway 247 to avoid the DWMA?

(3) There are also two corridors running the entire width of the East Mojave National Preserve in *all five alternatives*. How can all five alternatives have these same two corridors? We understand the function of alternatives is to vary the infrastructure that would allow, or not, development of facilities and corridors in one area versus another. As presented, each and every one of these corridors is being considered in each and every alternative! There are no choices! Where is the opportunity to select one alternative transmission corridor over another one?

It's a matter of public record, since the meeting was open to all participants via Web-X telephone services, that several members of the transmission working group were openly critical of BLM's stated tendency to modify the preferred alternative to accommodate components of other alternatives. The working group seemed to advocate either one alternative or another in its entirety without considering individual merits of components among the many alternatives. The Council feels strongly that a particular alternative that should be rejected because of unacceptable impacts to tortoises, for example, may still have certain components, alignments, or rights-of-way that are acceptable and perhaps even beneficial to tortoise conservation. There may also be one acceptable alternative with a single fatal flaw, which if removed, would then be acceptable. We strongly advocate that the preferred alternative given in the draft Environmental Impact Statement (EIS) be modified in certain proactive ways so that the preferred alternative in the final EIS reflects those changes.

Given the above information as background, the Council provides the following bulleted items as issues DRECP must address if we and our membership are able to adequately assess impacts associated with these proposed DFAs. Identified action items include:

● Future maps must show the boundaries of the DTRNA to allow the Council to analyze potential impacts of proposed DFAs associated with each alternative.

● Given the existing Memorandum of Understanding between BLM and DTPC, the Council is adamant that NO renewable energy be developed within the DTRNA.

● DTPC has already purchased mitigation lands outside the DTRNA, both to the east and west (see Attachment 1), that should NOT be available for renewable energy development.

● Given an existing MOU, implementing agreements, and other legal documents DRECP is obligated to show the DTRNA as a legally-protected area on maps such as the first one in the DRECP overview, dated 25 July 2012.

● The DRECP analysis must consider both the direct and indirect impacts to tortoises within the DTRNA that result from adopting all alternatives, and particularly Alternatives 1, 2, 3, and 5. If implemented, **these are impacts that would not occur "but for" the DRECP**, and would undermine decades of effective tortoise conservation within the only parcel of land fenced and therefore physically protected from off-highway vehicle traffic and sheep grazing. And, maybe the only relatively large region in the West Mojave where tortoise recruitment is occurring.

● Although the map on page 63 of the DRECP overview provided on 25 July 2012 shows *general* areas where mitigation has occurred, the Council needs maps showing site-specific mitigation parcels relative to the DFAs envisioned by the alternatives. Since these mitigation lands were acquired in response to previous projects that have already been developed, they have been identified to provide tortoise conservation in perpetuity. Existing mitigation parcels must continue to be protected for tortoise conservation; otherwise, federal biological opinions and other legal agreements (i.e., implementing agreements for incidental take permits) would be violated. The Council requests that maps be published that show how existing specific mitigation parcels would be affected by the proposed DFAs. The Council would not support any development, whatsoever, on mitigation parcels previously acquired to offset impacts to desert tortoise-occupied habitats.

● I see that substantial portions of the Fremont-Kramer DWMA, the western portion of the Superior-Cronese DWMA, and more than half of the Ord-Rodman DWMA are shown as "Existing Special Recreation Management Areas" in the second map of the overview document from 25 July 2012. I appreciate that you previously explain this as "…administrative units where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance, and/or distinctiveness; especially compared to other areas used for recreation." Does DRECP or BLM plan to use this designation for enhanced recreation in DWMAs, which are the only places ostensibly designated to conserve and recover tortoises? Any clarification is appreciated.

● Please assign Figure numbers to all maps in future documents. It is tedious to reference figure such-and-such showing such-and-such on page such-and-such on such-and-such a date to identify maps. It would be much simpler to refer to "Figure X."

● The Council strongly discourages adopting or rejecting any particular alternative in its entirety. Having been involved in numerous planning processes, we understand that no one alternative typically serves all needs; the best alternative is often one where certain components of rejected alternatives are fit into the preferred alternative that is eventually adopted.

● I attended the 26 June 2012 workshop of the independent scientific panel and am concerned that there were no experts representing the State-listed Mohave ground squirrel, which overlaps in much of its range with Agassiz's desert tortoise. We understand that Mohave ground squirrel is one of the threatened species that may be significantly impacted by development in DFAs, and are concerned that someone like Dr. Phil Leitner has not been asked to serve as a panel member. We also understand that not every species can have its own specific advisor but that Mohave ground squirrel is imperiled enough already that it warrants heightened attention.

We sincerely appreciate the opportunity to work with the DRECP planning staff on this and future plan components to develop this plan in such a way that it leaves imperiled species less at risk as a result of coordinated planning and proactive conservation of those species. With the release of these alternatives, the Council is seriously concerned that renewable energy development - not conservation of imperiled species - is the primary driver of the planning process, so far.

Sincerely,

Edward L. LaRue, Jr.
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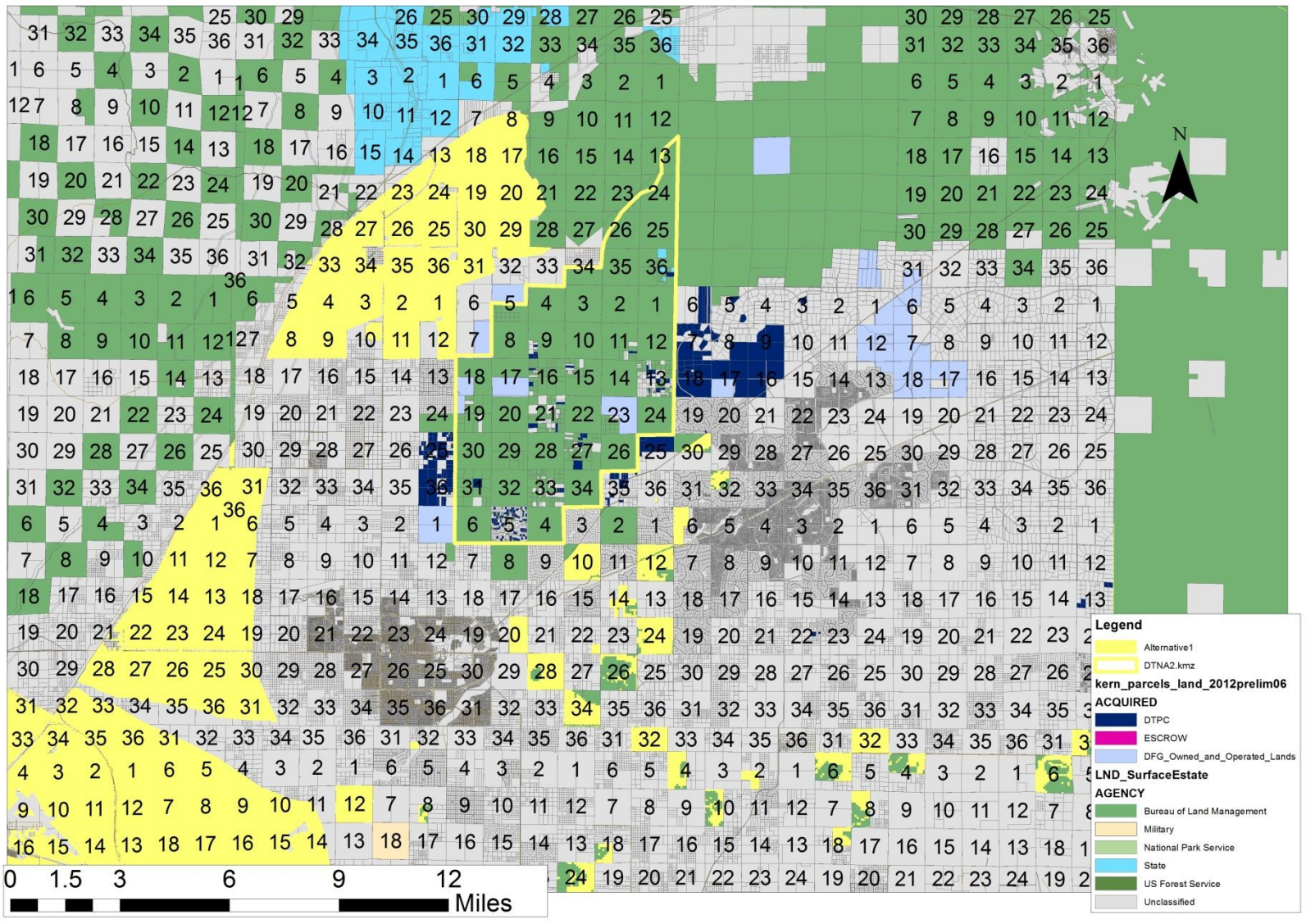
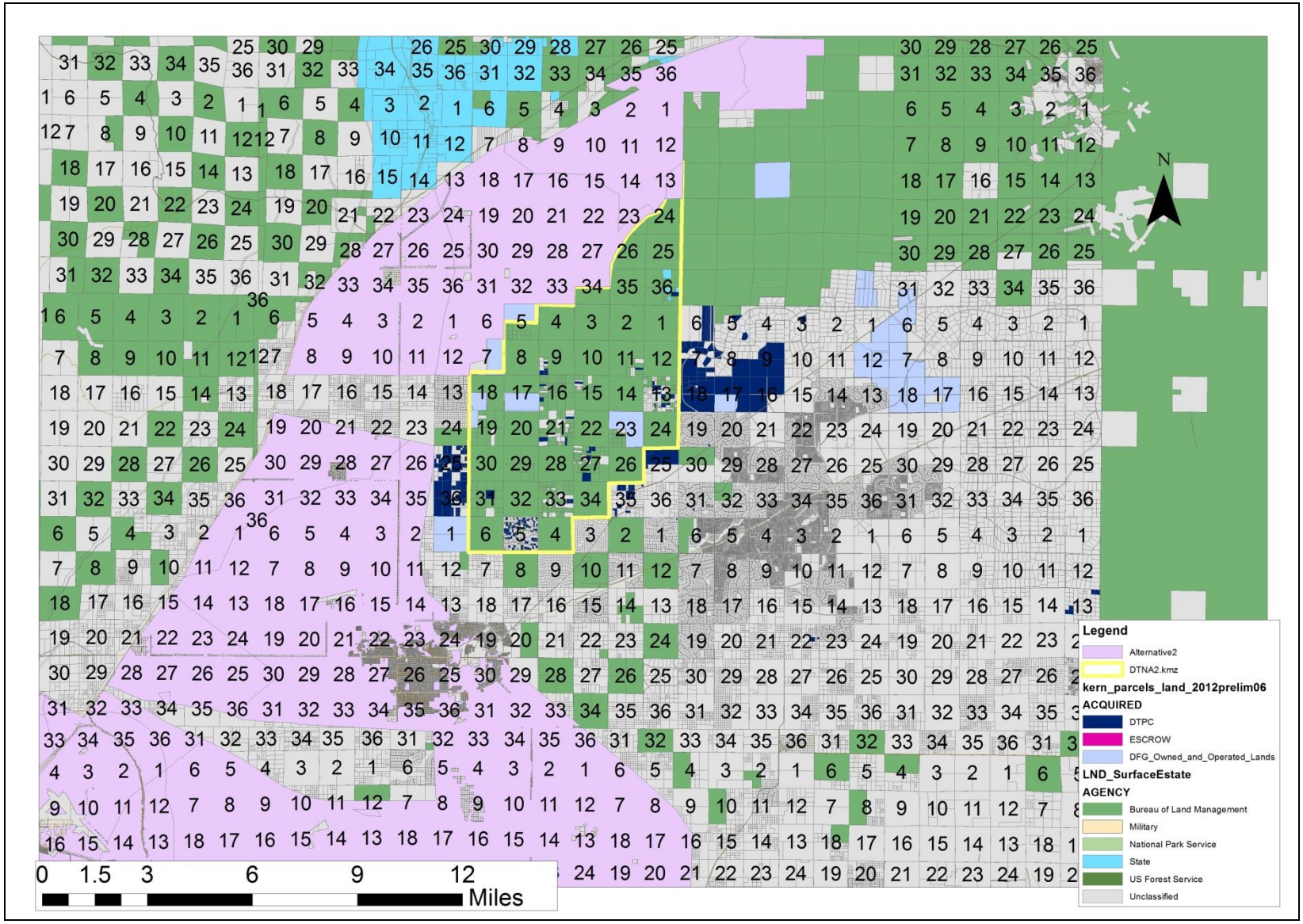
Attachment 1.

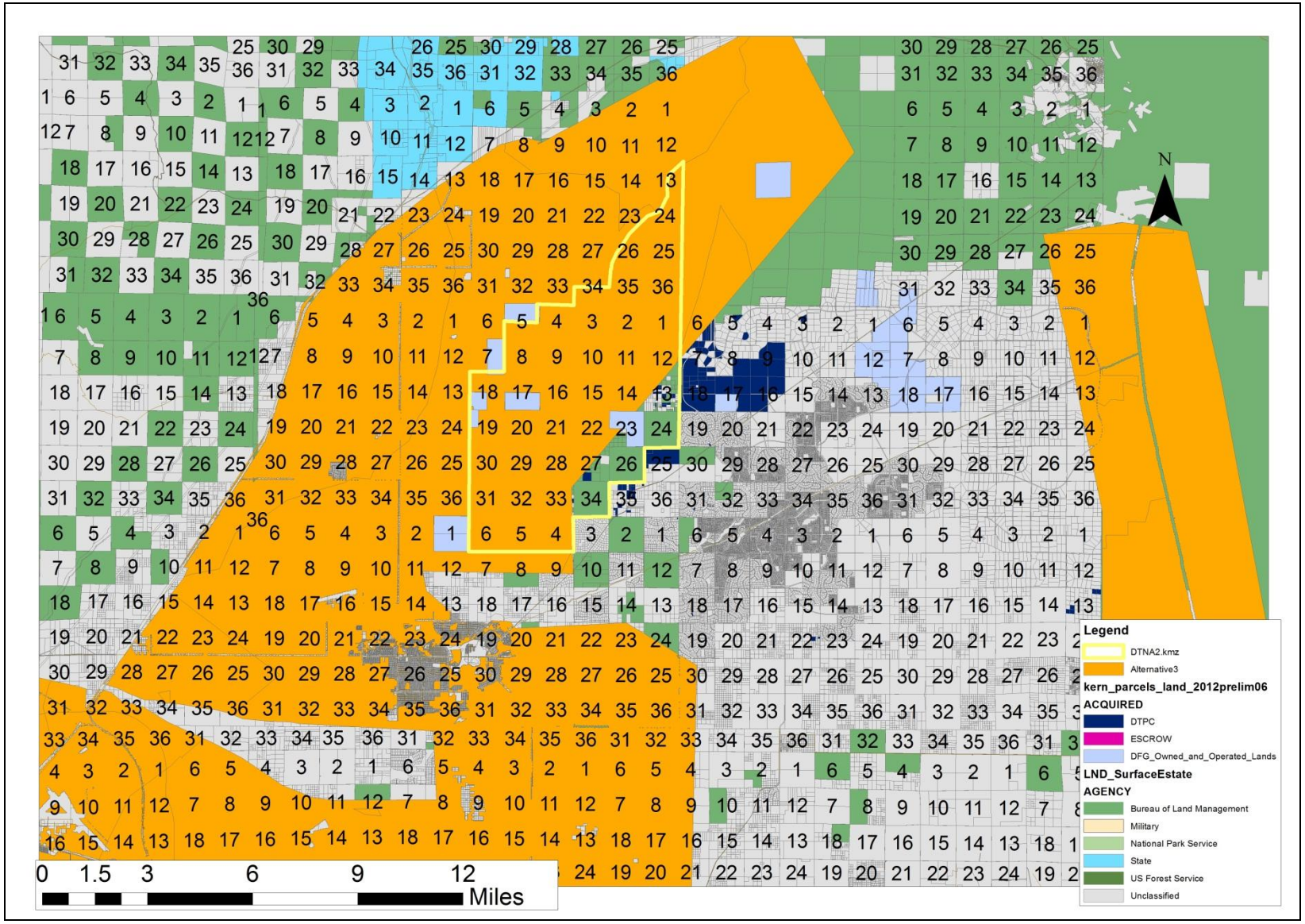
The following five maps use shape files to depict the boundaries of the DTRNA, DTPC acquisition lands east and west of the DTRNA that are dedicated to tortoise conservation through legally binding agreements, and the DFAs associated with each of the five alternatives. **Note the orange DFA zones in Alternative 3 and the purple DFA zones in Alternative 5 that would consume nearly 90% of the DTRNA!** Most members of the public do not have access to shape files and associated software that will allow them to increase resolutions sufficiently to see just how impacting these alternatives would be. The resolution of DRECP maps are so low that these kinds of impacts are not discernible, which does not allow the public sufficient information to be fully informed about what is being proposed.



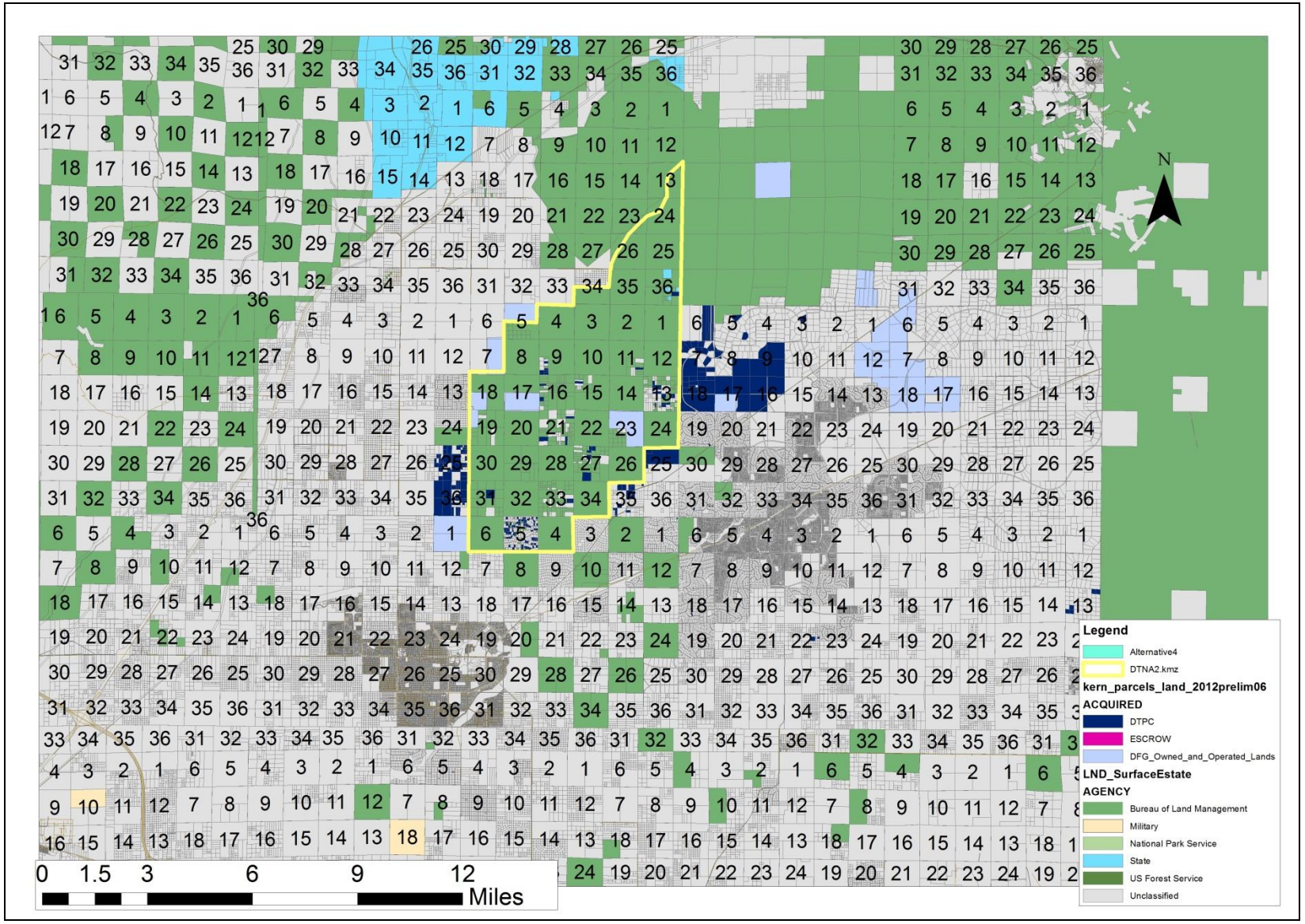
DFA Alternative 1



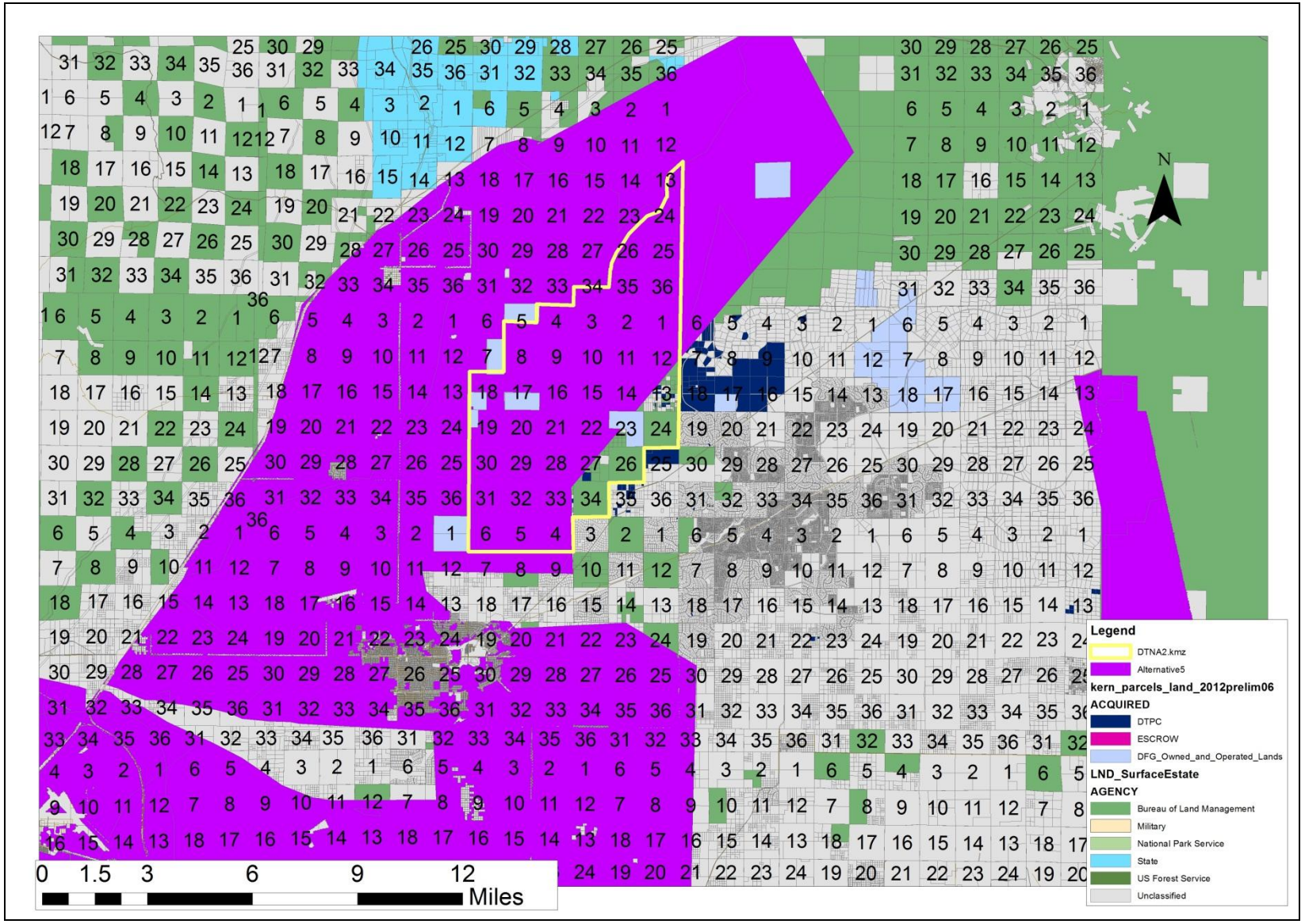
DFA Alternative 2



DFA Alternative 3



DFA Alternative 4



DFA Alternative 5